

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

RONALD A. KATZ TECHNOLOGY  
LICENSING, L.P.,

Plaintiff,

v.

AMERICAN INTERNATIONAL  
GROUP, INC. et al.,

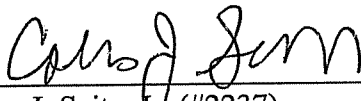
Defendants.

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)  
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)  
) Civil Action No. 06-547 (GMS)  
)  
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**NOTICE OF FILING OF DOCUMENTS**  
**BEFORE THE JUDICIAL PANEL OF MULTIDISTRICT LITIGATION**

PLEASE TAKE NOTICE that Defendants CIGNA Corporation, CIGNA Health Corporation, CIGNA HealthCare of Delaware, Inc., Tel-Drug, Inc., and Tel-Drug of Pennsylvania, L.L.C. filed the documents attached as Exhibit A before the Judicial Panel on Multidistrict Litigation. The attached documents are relevant to the following civil actions pending in the District of Delaware before Judge Sleet: C.A. Nos. 06-543 (GMS), 06-544(GMS), 06-545 (GMS), 06-546 (GMS).

CONNOLLY BOVE LODGE & HUTZ, LLP

By:   
Collins J. Seitz, Jr. (#2237)  
The Nemours Building  
1007 North Orange Street  
P.O. Box 2207  
Wilmington, DE 19899  
302.658.9141

*Attorneys for defendants and counterclaim  
plaintiffs CIGNA Corporation; CIGNA Health  
Corporation; CIGNA HealthCare of Delaware,  
Inc.; Tel-Drug, Inc.; Tel-Drug of Pennsylvania,  
L.L.C.*

OF COUNSEL:

Raphael V. Lupo  
Joel M. Freed  
Brian E. Ferguson  
John R. Fuisz  
Kori Anne Bagrowski  
Sudip K. Kundu  
McDERMOTT WILL & EMERY LLP  
600 13th Street, N.W., 12th Floor  
Washington, DC 20005-3096  
202.756.8000  
202.756.8087

DATED: November 9, 2006

**CERTIFICATE OF SERVICE**

I hereby certify that on November 9, 2006, I caused to be electronically filed a true and correct copy of the Notice of Filing of Documents Before the Judicial Panel of Multidistrict Litigation with the Clerk of the Court using CM/ECF, which will send notification of such filing to the following:

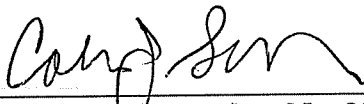
Andre G. Bouchard, Esquire  
John M. Seaman, Esquire  
Bouchard, Margules & Friedlander, P.A.  
222 Delaware Avenue, Suite 1400  
Wilmington, DE 19801

Richard L. Horwitz, Esquire  
Philip A. Rovner, Esquire  
Potter Anderson & Corroon, LLP  
1313 N. Market Street  
Hercules Plaza, 6th Floor  
Wilmington, DE 19899-0951

Steven J. Balick, Esquire  
John G. Day, Esquire  
Lauren E. Maguire, Esquire  
Ashby & Geddes  
222 Delaware Avenue, 17<sup>th</sup> Floor  
Wilmington, DE 19801

Karen Elizabeth Keller, Esquire  
Young, Conaway, Stargatt & Taylor  
The Brandywine Building  
1000 West Street, 17th Floor  
Wilmington, DE 19899-0391

David A. Felice, Esquire  
Sean J. Bellew, Esquire  
Cozen O'Connor  
Chase Manhattan Centre  
1201 North Market Street, Suite 1400  
Wilmington, DE 19801

  
\_\_\_\_\_  
Collins J. Sertz, Jr. (Bar No. 2237)

## **EXHIBIT A**

**BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

In re:	)	
	)	
Katz Technology Licensing Patent Litigation	)	MDL Docket No. 1816
	)	
	)	

**THE CIGNA DEFENDANTS' RESPONSE TO THE MOTION FOR  
TRANSFER AND CONSOLIDATION OF KATZ TECHNOLOGY  
LICENSING PATENT LITIGATION PURSUANT TO 28 U.S.C. § 1407**

Brian E. Ferguson  
McDERMOTT WILL & EMERY LLP  
600 13th Street, N.W., 12th Floor  
Washington, DC 20005-3096  
Telephone: 202.756.8000  
Facsimile: 202.756.8087  
bferguson@mwe.com

*Attorneys for defendants CIGNA  
Corporation; CIGNA Health Corporation;  
CIGNA HealthCare of Delaware, Inc.; Tel-  
Drug, Inc.; Tel-Drug of Pennsylvania, L.L.C.*

CIGNA Corporation, CIGNA Health Corporation, CIGNA HealthCare of Delaware, Inc., Tel-Drug, Inc., and Tel-Drug of Pennsylvania, L.L.C. (collectively, "CIGNA Defendants"), named defendants in Civil Action No. 06-547-GMS pending in the United States District Court for the District of Delaware, oppose the Motion for Transfer and Consolidation of Katz Technology Licensing Patent Litigation (the "Motion") filed by Target Corporation, Target Bank, and Target National Bank (collectively, "Target"). The CIGNA Defendants respond to the averments made by Target in its Motion as follows:

1. The CIGNA Defendants admit that the Motion requests the transfer and consolidation of multiple actions ("the Actions") currently pending in two judicial districts for alleged patent infringement. The CIGNA Defendants admit that these actions were filed by Ronald A. Katz Technology Licensing, L.P. ("Katz") and that twenty-three (23) of the Actions were filed within the last two months (the "Newly Filed Actions"). The CIGNA Defendants deny that these are the only actions implicated by the Motion since an additional action was also filed by Katz, *Ronald A. Katz Technology Licensing, L.P. v. Genesys Conferencing, Inc., et al.*, 5:06-CV-187 (E.D. Tex.) (Texarkana Division), that was apparently inadvertently omitted.

2. The CIGNA Defendants admit, on information and belief, that Katz is a limited partnership organized under the laws of the State of California and having a principal place of business in Los Angeles, California. The CIGNA Defendants also admit that Ronald A. Katz purports to be the founder of Katz and is the sole named inventor of each of the patents asserted in the Actions.

3. The CIGNA Defendants admit each of the Actions involves a series of related patents that Katz refers to as the "interactive call processing patents." The CIGNA Defendants deny that the same patents are involved in each of the Actions and in most of the Actions different patents are asserted against the individual defendants. The CIGNA Defendants admit

that according to Katz more than 50 United States patents have issued to Katz for his claimed inventions in the interactive call processing field, including the twenty-seven (27) patents collectively asserted in the various Actions.

4. The CIGNA Defendants admit that in each of the Actions, Katz asserts that the defendants infringe selected ones of Katz's interactive call processing patents by making, using, offering to sell, and/or selling automated telephone systems.

5. The CIGNA Defendants admit that at least two courts have previous experience with Katz's interactive call processing patents, and that several of the patents asserted against Target were previously asserted against AT&T Corporation and related companies in the United States District Court for the Eastern District of Pennsylvania in 1997. *See Katz v. AT&T Corp.*, 63 F. Supp. 2d 583 (E.D. Pa. 1999) (the "*AT&T case*"). The CIGNA Defendants further admit that in connection with the *AT&T case*, District Judge Lowell A. Reed issued a 63-page claim construction order construing claim terms from five of the patents asserted in that litigation.

6. The CIGNA Defendants admit that fourteen (14) of the patents involved in the various Actions were also the subject of a declaratory judgment action and related counterclaim in the United States District Court for the Central District of California in *Verizon Cal., Inc. v. Ronald A. Katz Technology Licensing, L.P.*, No. 1-CV-9871 (C.D. Cal.) (the "*Verizon case*"). The CIGNA Defendants admit that in the *Verizon case*, District Judge R. Gary Klausner spent approximately three (3) years presiding over the dispute in the *Verizon case* until it settled approximately one month before trial was set to commence.

7. The CIGNA Defendants admit that Judge Klausner construed some of the same claim terms involved in the *AT&T case* as well as many other terms of the interactive call processing patents not previously addressed by Judge Reed. *See Verizon Cal., Inc. v. Ronald A. Katz Tech. Licensing, L.P.*, 326 F. Supp.2d 1060 (C.D. Cal. 2003).

8. The CIGNA Defendants admit that Judge Klausner decided cross-motions for summary judgment in the *Verizon* case in December 2003, granting-in-part and denying-in-part both Katz's motion for summary judgment of infringement and Verizon's motion for summary judgment of non-infringement, prosecution laches and invalidity. *Verizon Cal., Inc. v. Ronald A. Katz Technology Licensing, L.P.*, No. 01-CV-09871 RGK, 2003 U.S. Dist. LEXIS 23553 (C.D. Cal. Dec. 2, 2003). The CIGNA Defendants admit that as part of his summary judgment order, Judge Klausner further construed claim terms clarifying certain of his prior constructions and construing other terms for the first time.

9. The CIGNA Defendants admit that in July 2005 Katz filed an additional suit asserting twenty-two (22) of the interactive call processing patents in *Ronald A. Katz Technology Licensing, L.P. v. Citibank, N.A., et al.*, No. 5:05-CV-142 (E.D. Tex.) (Texarkana Division) ("the *Citibank* case"). The CIGNA Defendants further admit that in August 2006, Judge Folsom entered an order limiting the number of patents and claims asserted in the *Citibank* case from twenty (20) patents and over eight hundred (800) claims to sixteen (16) patents and eighteen (18) claims. The *Citibank* court then severed and stayed the litigation as to the remaining patents and claims Katz originally asserted.

10. The CIGNA Defendants admit that on August 21, 2006, Katz filed six additional actions in three different divisions of the United States District Court for the Eastern District of Texas. The CIGNA Defendants further admit that the district court in the Lufkin Division *sua sponte* split two of these actions into fifteen separate actions so that there are approximately twenty actions currently pending in the Eastern District of Texas, pending possible further proceedings.

11. The CIGNA Defendants admit that on September 1, 2006, five additional actions were filed on behalf of Katz in the United States District Court for the District of Delaware ("D.



Del.”), primarily against defendants incorporated in the State of Delaware. These actions are all assigned to the Honorable Gregory M. Sleet.

12. The CIGNA Defendants admit that all of the pending Actions were filed in federal court.

13. The CIGNA Defendants admit that each of the Actions alleges infringement of various patents from Katz’s interactive call processing patent portfolio. The CIGNA Defendants admit that there appears to be an overlap with the patents asserted in a number of Actions, but deny that the same patents are asserted against all of the defendants or that the same claims of these patents will be at issue in each of the Actions.

14. The CIGNA Defendants admit that there may be some overlap in the defenses asserted in the various actions including defenses relating to the invalidity and unenforceability of at least part of the asserted patents. The CIGNA Defendants deny that there is complete overlap in these defenses, particularly since different patents and individual patent claims may be asserted against individual defendants and/or particular industries by group in the individual Actions, and each defendant may have unique non-infringement defenses.

15. The CIGNA Defendants admit that, at the time of the filing of Target’s Motion for Transfer and Consolidation, no answers had been filed in the Newly Filed Actions. Since the filing of Target’s Motion for Transfer and Consolidation, however, upon information and belief virtually all answers have been filed with respect to the Newly Filed Actions. The CIGNA Defendants deny that none of the Actions have progressed, however, since it is the CIGNA Defendants’ understanding that in the *Citibank* case, nearly ten months of discovery has occurred, with the parties producing over 400,000 pages of Bates-labeled material and over 42 million pages of native format materials. In addition, briefs have been submitted addressing the

particular claim construction issues disputed in that action and the parties participated in a full *Markman* hearing on September 20, 2006.

16. The CIGNA Defendants admit that in the *Citibank* case, an Amended Docket Control Order dated May 8, 2006, indicates that summary judgment motions are due to be filed in February 2007 and that trial has been set for May 2007.

17. The CIGNA Defendants admit that no dispositive rulings have been made in the *Citibank* or *Discover* cases, but deny that all of the Actions are at substantially the same procedural stage.

18. The CIGNA Defendants admit that a claim construction hearing was conducted in the *Citibank* case on September 20, 2006 and that a ruling on the construction of the disputed terms is under advisement. The CIGNA Defendants also admit that Target filed an emergency motion in the *Citibank* case, requesting that the Court consolidate the *American Electric* case<sup>1</sup> with the *Citibank* case solely for the purpose of claim construction and requested continuation of the claim construction process for a period sufficient to allow Target to engage meaningfully in the claim construction process. The CIGNA Defendants also admit that American Airlines filed a similar motion in *Ronald A. Katz Technology Licensing, L.P. v. American Airlines, et. al.*, No. 2:06-CV-334 (E.D. Tex., Marshall Division) and that both motions were denied due to the imminence of the claim construction hearing.

19. The CIGNA Defendants admit that Judge Klausner has experience with the Katz interactive call processing patents based on his experience with the *Verizon* case but deny that

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<sup>1</sup> *Ronald A. Katz Technology Licensing, L.P. v. American Electric Power Company, Inc., et al.*, No. 5:06-CV-188 (E.D. Tex) (Texarkana Divisions) (the "*American Electric* case"). Target is a named defendant in the *American Electric* case.

Judge Klausner is the only Judge having experience with these patents in light of the litigation histories summarized previously.

20. The CIGNA Defendants admit that the Actions may involve some common questions of fact but deny that any potentially common issues of fact will necessarily be predominant among the various Actions in light of differences in the patents asserted in individual actions, and the individual claims that may be asserted against selected industries as currently grouped in the actions filed in Delaware, for example.

21. The CIGNA Defendants admit that there may be some overlap in the proofs related to the issue of damages in the various actions but deny that these issues are predominant in any action, particularly as the parties have been grouped in the various actions pending in the District of Delaware by industry type.

22. The CIGNA Defendants deny that transfer and consolidation is necessary in order to eliminate potentially inconsistent rulings, particularly since a claim construction hearing has already been held in the *Citibank* case. To the extent there may be any overlap in the claims and issues presented in that action, with any claims asserted in the additional Actions, any potentially inconsistent rulings or potential duplication of judicial resources may be avoided through conventional case management mechanisms.

23. The CIGNA Defendants deny that transfer and consolidation will minimize costs and inconvenience as detailed further in its accompanying Opposition to the Motion

WHEREFORE, the CIGNA Defendants respectfully request that the Motion be denied in favor of the underlying actions going forward in the respective jurisdictions as presently configured. Additional bases supporting the denial of the requested relief are detailed in the additionally accompanying Opposition to the Motion.

Dated: November 6, 2006

Respectfully submitted,

By: 

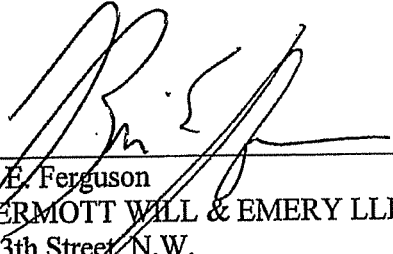
Brian E. Ferguson  
McDERMOTT WILL & EMERY LLP  
600 13th Street, N.W., 12th Floor  
Washington, DC 20005-3096  
Telephone: 202.756.8000  
Facsimile: 202.756.8087  
bferguson@mwe.com

*Attorneys for defendants CIGNA  
Corporation; CIGNA Health Corporation;  
CIGNA HealthCare of Delaware, Inc.;  
Tel-Drug, Inc.; Tel-Drug of Pennsylvania,  
L.L.C.*

**CERTIFICATE OF SERVICE**

I hereby certify that on November 6, 2006 a copy of the following: THE CIGNA DEFENDANTS' RESPONSE TO THE MOTION FOR TRANSFER AND CONSOLIDATION OF KAT TECHNOLOGY LICENSING PATENT LITIGATION PURSUANT TO 28 U.S.C. § 1407 was served by U.S. mail, postage prepaid, upon the following parties and counsel: **SEE ATTACHED SERVICE LIST.**

Dated: November 6, 2006



Brian E. Ferguson  
McDERMOTT WILL & EMERY LLP  
600 13th Street, N.W.  
Washington, D.C. 20005  
Telephone: 202-756-8000  
Facsimile: 202-756-8087  
bferguson@mwe.com

*Attorneys for defendants CIGNA Corporation;  
CIGNA Health Corporation; CIGNA HealthCare  
of Delaware, Inc.; Tel-Drug, Inc.; Tel-Drug of  
Pennsylvania, L.L.C.*

**Judicial Panel on Multidistrict Litigation - Panel Attorney Service List**

Page 1

Docket: 1816 - In re Katz Interactive Call Processing Patent Litigation

Status: Pending on / /

Transferee District: Judge:

Printed on 10/27/2006

**ATTORNEY - FIRM****REPRESENTED PARTY(S)**

Abn Amro Mortgage Group,  
777 East Eisenhower Parkway  
Suite 700  
Ann Arbor, MI 48108

=>  
ABN AMRO Mortgage Group, Inc.

Alltel Communication Wire,  
One Allied Drive  
Little Rock, AR 72202

=>  
Alltel Communications Wireless, Inc.

Alltel Communications,  
One Allied Drive  
Little Rock, AR 72202

=>  
Alltel Communications of Texarkana, Inc.

Alltel, Corp.,  
One Allied Drive  
Little Rock, AR 72202

=>  
ALLTEL Corp.

Arroyo, Blas P.  
Alston & Bird, LLP  
Bank of America Plaza  
101 South Tryon Street  
Suite 4000  
Charlotte, NC 28280-4000

=> Phone: (704) 444-1012 Fax: (704) 444-1111  
Time Warner Cable, Inc.\*; Time Warner Entertainment Co., L.P.\*; Time Warner NY Cable, LLC\*

Barner, Sharon R.  
Foley & Lardner, LLP  
321 North Clark Street  
Suite 2800  
Chicago, IL 60610-4714

=> Phone: (312) 832-4500 Fax: (312) 832-4700  
U.S. Bancorp.\*#; U.S. Bank, N.A.\*

Barquist, Charles S.  
Morrison & Foerster, LLP  
555 W. Fifth Street  
Suite 3500  
Los Angeles, CA 90013

=> Phone: (213) 892-5200 Fax: (213) 892-5454  
Express Scripts, Inc.\*

Beane, Jerry L.  
Andrews & Kurth  
BankOne Center  
1717 Main Street  
Suite 3700  
Dallas, TX 75201

=> Phone: (214) 659-4400 Fax: (214) 659-4401  
Aetna RX Home Delivery, LLC\*

Boice, William H.  
Kilpatrick & Stockton  
1100 Peachtree Street  
Suite 2800  
Atlanta, GA 30309

=> Phone: (404) 815-6464  
Cox Communications, Inc.\*#; Coxcom, Inc.\*#; Earthlink, Inc.\*#

Note: Please refer to the report title page for complete report scope and key.

**ATTORNEY - FIRM****REPRESENTED PARTY(S)**

Cablevision Systems Corp.,  
1111 Stewart Avenue  
Bethpage, NY 11714

=>  
Cablevision Systems Corp.

Capshaw, III, S. Calvin  
Brown, McCarroll, LLP  
P.O. Box 3999  
Longview, TX 75606-3999

=> Phone: (903) 236-9800 Fax: (903) 236-8787  
Anthem Prescription Management, LLC\*; Precision RX, Inc.\*; Professional Claim Services, Inc. dba  
Wellpoint Pharmacy Management, Inc.\*; Wellpoint, Inc.\*

Cerdian Corporation,  
3311 East Old Shakopee Road  
Minneapolis, MN 55425

=>  
Cerdian Corp.

Comdata Corporation,  
5301 Maryland Way  
Brentwood, TN 37027

=>  
Comdata Corp.

Cox, Juliet A.  
Sonnenschein, Nath & Rosenthal, LLP  
4520 Main Street  
Suite 1100  
Kansas City, MO 64111

=> Phone: (816) 460-2400 Fax: (816) 531-7545  
Aquila, Inc.\*

Cullum, Janet L.  
Cooley, Godward, Kronish, LLP  
Five Palo Alto Square  
3000 El Camino Real  
Palo Alto, CA 94306-2155

=> Phone: (650) 843-5000 Fax: (650) 857-0663  
Ronald A. Katz Technology Licensing, LP\*

Devito, Daniel A.  
Skadden, Arps, Slate, Meagher & Flom, LLP  
4 Times Square  
New York, NY 10036

=> Phone: (212) 735-3000 Fax: (212) 735-2000  
Comerica Bank & Trust, NA\*; Comerica Securites, Inc.\*; Comerica, Inc.\*

Elsevier, MD, J. Patrick  
Alston & Bird, LLP  
1201 West Peachtree Street  
One Atlantic Center  
Atlanta, GA 30309-3424

=> Phone: (404) 881-7000 Fax: (404) 881-7777  
T-Mobile USA, Inc.\*

Ferguson, Brian E.  
McDermott, Will & Emery, LLP  
600 13th Street, N.W.  
Washington, DC 20005

=> Phone: (202) 756-8371 Fax: (202) 756-8087  
21st Century Casualty Co.\*; 21st Century Insurance Co.\*; 21st Century Insurance Group\*; AIG Annuity Insurance Co.\*; AIG Federal Savings Bank\*; AIG Life Insurance Co.\*; AIG Marketing, Inc.\*; AIG Retirement Services, Inc.\*; AIG SunAmerica Asset Management Corp.\*; American General Assurance Co.\*; American General Indemnity Co.\*; American General Life & Accident Insurance Co.\*; American General Life Insurance Co.\*; American International Group, Inc.\*; Cigna Corp.\*; Cigna Health Corp.\*; Cigna Healthcare of Delaware, Inc.\*; Tel-Drug of Pennsylvania, LLC\*; Tel-Drug, Inc.\*; United States Life Insurance Co. in the City of New York\*; VALIC Financial Advisors, Inc.\*; VALIC Retirement Services Co.\*; Variable Annuity Life Insurance Co.\*

(Panel Attorney Service List for MDL 1,816 Continued)

Page 3

**ATTORNEY - FIRM****REPRESENTED PARTY(S)**

Friedland, David K.  
Lotts & Friedland, PA  
355 Alhambra Circle  
Suite 1100  
Coral Gables, FL 33134

=> Phone: (305) 448-7089 Fax: (305) 446-6191  
Petmed Express, Inc. dba 1-800-Petmeds\*

Frost National Bank, N.A.,  
100 West Houston Street  
San Antonio, TX 78205

=>  
Frost National Bank, NA

GMAC Mortgage Corp.,  
100 Witmer Road  
Horsham, PA 19044

=>  
GMAC Mortgage Corp.

General Electric Capital,  
280 Long Ridge Road  
Stamford, CT 06927

=>  
General Electric Capital Corp.

Giant Food, Inc.,  
6400 Sheriff Road  
Landover, MD 20785

=>  
Giant Food, Inc.

Harrel, Alan David  
Atchley, Russell, Waldrop & Hlavinka  
1710 Moores Lane  
P.O. Box 5517  
Texarkana, TX 75505-5517

=> Phone: (903) 792-8246 Fax: (903) 792-5801  
Wal-Mart Stores, Inc.

Hawkins, III, Holmes J.  
King & Spalding  
1180 Peachtree Street  
Atlanta, GA 30309-3521

=> Phone: (404) 572-4600 Fax: (404) 572-5134  
Healthy Options, Inc. dba Postal Prescription Services\*; Kroger Co. (The)\*; Kroger Texas, LP\*

Horwitz, Richard L.  
Potter Anderson & Corroon, LLP  
Hercules Plaza, 6th Floor  
1313 North Market Street  
P.O. Box 951  
Wilmington, DE 19899-0951

=> Phone: (302) 984-6000  
DHL Express (USA), Inc.; DHL Holdings (USA), Inc.; Sky Courier, Inc.

James, Angela Payne  
Alston & Bird, LLP  
1201 West Peachtree Street  
One Atlantic Center  
Atlanta, GA 30309-3424

=> Phone: (404) 881-7000  
Charter Communications Entertainment I, LLC\*; Charter Communications Holding Co., LLC\*; Charter Communications Operating, LLC\*; Charter Communications, Inc.\*

Krevitt, Josh A.  
Gibson, Dunn & Crutcher LLP  
200 Park Avenue  
New York, NY 10166

=> Phone: (212) 351-4000  
Cablevision of Brookhaven, Inc.\*; Cablevision of Connecticut Corp.\*; Cablevision of Hudson County, Inc.\*; Cablevision of Litchfield, Inc.\*; Cablevision of Monmouth, Inc.\*; Cablevision of New Jersey, Inc.\*; Cablevision of Oakland, LLC\*; Cablevision of Rockland/Ramapo, LLC\*; Cablevision System

Note: Please refer to the report title page for complete report scope and key.



**ATTORNEY - FIRM****REPRESENTED PARTY(S)**

	⇒ New York City Corp.*; CSC Holdings, Inc.*
LaSalle Bank Corporation, 135 LaSalle Street Chicago, IL 60603	⇒ LaSalle Bank Corp.; LaSalle Bank National Association
Lasalle Financial Service, 135 LaSalle Street Chicago, IL 60603	⇒ LaSalle Financial Services, Inc.
Lee, Robert L. Alston & Bird, LLP 1201 West Peachtree Street One Atlantic Center Atlanta, GA 30309-3424	⇒ Phone: (404) 881-7000 Fax: (404) 881-7777 Ahold USA, Inc.*; Giant Food Stores, LLC*; Giant Food, LLC*; Stop & Shop Supermarket Co., LLC*
Lukin, Mitchell D. Baker Botts, L.L.P. One Shell Plaza 910 Louisiana Houston, TX 77002-4995	⇒ Phone: (713) 229-1733 Fax: (713) 229-7733 Reliant Energy Retail Services, LLC*; Reliant Energy, Inc.*
Maxwell, David M. Alston & Bird, LLP 1201 West Peachtree Street One Atlantic Center Atlanta, GA 30309-3424	⇒ Phone: (404) 881-7000 Fax: (404) 881-7777 AOL, LLC*; CompuServe Interactive Services, Inc.*; Netscape Communications Corp.*
McDermott, Richard M. Alston & Bird, LLP Bank of America Plaza 101 South Tryon Street Suite 4000 Charlotte, NC 28280-4000	⇒ Phone: (704) 444-1000 Fax: (704) 444-1111 Cinergy Corp.*; Duke Energy Corp.*
McElhinny, Harold J. Morrison & Foerster, LLP 425 Market Street San Francisco, CA 94105-2482	⇒ Phone: (415) 268-7000 Fax: (415) 268-7522 Target Bank*; Target Corp.*; Target National Bank*
McGrath, Robin L. Alston & Bird, LLP 1201 West Peachtree Street One Atlantic Center Atlanta, GA 30309-3424	⇒ Phone: (404) 881-7000 Fax: (404) 881-7777 Safeco Corp.*; Safeco Insurance Co. of America*
McKool, Jr., Mike McKool & Smith, P.C. 300 Crescent Court Suite 1500 Dallas, TX 75201	⇒ Phone: (214) 978-4000 American Airlines, Inc.*; American Beacon Advisors, Inc.*

**ATTORNEY - FIRM****REPRESENTED PARTY(S)**

Miller, Camille M.  
Cozen O'Connor  
1900 Market Street  
Philadelphia, PA 19103

=> Phone: (215) 665-7273 Fax: (215) 701-2273  
Wilmington Brokerage Services Co.\*; Wilmington Trust Co.\*

Moore, Matthew J.  
Howrey LLP  
1299 Pennsylvania Avenue, N.W.  
Washington, DC 20004-2402

=> Phone: (202) 783-0800 Fax: (202) 383-6610  
Cullen/Frost Bankers, Inc.\*; Ford Motor Co.\*; Ford Motor Credit Co.\*; General Electric Capital Services, Inc.\*; General Electric Consumer Finance, Inc.\*; General Motors Acceptance Corp.\*; General Motors Corp.\*; GMAC Residential Capital Corp.\*; Hilton H Honors Worldwide, L.L.C.\*; Hilton Hotels Corp.\*; Hilton Reservations Worldwide, L.L.C.\*; Marriott International, Inc.\*; Marriott Worldwide Reservation Services, L.L.C.\*; PNC Financial Services Group, Inc.\*; Randall's Food & Drug, L.P.\*; Randall's Food Market, Inc.\*; Safeway, Inc.\*; Whirlpool Corp.\*

Moyer, Jeffrey L.  
Richards, Layton & Finger  
P.O. Box 551  
Wilmington, DE 19899

=> Phone: (302) 651-7525 Fax: (302) 651-7701  
Qwest Broadband Services, Inc.\*; Qwest Communications Corp.\*; Qwest Communications International, Inc.\*; Qwest Interprise America, Inc.\*; Qwest LD Corp.\*; Qwest Wireless, LLC\*

Najim, Samuel J.  
Jones Day  
1420 Peachtree Street  
Suite 800  
Atlanta, GA 30309-3053

=> Phone: (404) 521-3939 Fax: (404) 581-8330  
Centerpoint Energy Houston Electric, LLC\*; Centerpoint Energy Resources Corp\*; Centerpoint Energy, Inc.\*; Chevron Corp.\*; Chevron Credit Bank, N.A.\*; Chevron Products Co.\*; Experian Information Solutions, Inc.\*; National City Bank\*; National City Bank of Indiana\*; National City Corp.\*; Regions Bank, NA\*; Regions Financial Corp.\*

National Railroad Passeng,  
60 Massachusetts Avenue, N.E.  
Washington, DC 20002

=>  
National Railroad Passenger Corp. dba Amtrak

Norrod, Gregory S.  
Foley & Lardner, LLP  
321 North Clark Street  
Suite 2800  
Chicago, IL 60610-4714

=> Phone: (312) 832-4500 Fax: (312) 832-4700  
Sam's East, Inc.\*; Sam's West, Inc.\*; Wal-Mart Store, Inc.\*; Wal-Mart Stores East, LP\*; Wal-Mart Stores Texas, LP\*; Wal-Mart.com, Inc.\*

PNC Bank, NA,  
One PNC Plaza  
249 Fifth Avenue  
Pittsburg, PA 15222

=>  
PNC Bank, N.A.

Petersen, Steven P.  
Leydig, Voit & Mayer, Ltd.  
Two Prudential Plaza  
Suite 4900  
Chicago, IL 60601

=> Phone: (312) 616-5600 Fax: (312) 616-5700  
Aetna, Inc.\*; TDS Metrocom, LLC\*; TDS Telecommunications Corp.\*; United States Cellular Corp.\*

Roodman, David A.  
Bryan Cave, LLP  
One Metropolitan Square  
211 N. Broadway  
Suite 3600  
St. Louis, MO 63102-2750

=> Phone: (314) 259-2000 Fax: (314) 259-2020  
Dillard Investment Co., Inc.\*; Dillard's, Inc.\*

**ATTORNEY - FIRM****REPRESENTED PARTY(S)**

Rooklidge, William C.  
Howrey LLP  
2020 Main Street  
Suite 1000  
Irvine, CA 92614-8200

=> Phone: (949) 721-6900  
Discover Bank\*; Discover Financial Services, Inc.\*

Seary, III, Marshall M.  
Quinn Emanuel Urquhart Oliver & Hedges  
865 South Figueroa Street  
10th Floor  
Los Angeles, CA 90017

=> Phone: (213) 443-3000 Fax: (213) 443-3100  
DirecTV Enterprise, LLC\*#; DirecTV Group, Inc.\*#; DirecTV Holdings, LLC\*#; DirecTV, Inc.\*#

Selsberg, Steven R.  
Mayer, Brown, Rowe & Maw, LLP  
700 Louisiana  
Suite 3400  
Houston, TX 77002

=> Phone: (713) 238-2664 Fax: (713) 238-4888  
Tracfone Wireless, Inc.\*#

Spivey, Jonathan R.  
Foley & Lardner, LLP  
321 North Clark Street  
Suite 2800  
Chicago, IL 60610-4714

=> Phone: (312) 832-4500 Fax: (312) 832-4700  
Caremark Inc. dba Caremark Prescription Services\*; Caremark RX Inc.\*

Standley, Jeffrey S.  
Standley Law Group, LLP  
495 Metro Place South  
Suite 210  
Dubin, OH 43017-5319

=> Phone: (614) 792-5555 Fax: (614) 792-5536  
Delmarva Power & Light Co.\*; Humana, Inc.\*#; Pepco Holdings, Inc.\*; PHI Service Co.\*

Stroup, Richard L.  
Finnegan, Henderson, Farabow, Garrett, et al.  
901 New York Avenue, N.W.  
Washington, DC 20001-4413

=> Phone: (202) 408-4000 Fax: (202) 408-4400  
Federal Express Corp.\*; FedEx Corp.\*; FedEx Corporate Services, Inc.\*; FedEx Customer Information Services, Inc.\*

Wade, William J.  
Richards, Layton & Finger  
One Rodney Square  
P.O. Box 551  
Wilmington, DE 19899

=> Phone: (302) 658-6541  
TD Banknorth, Inc.

Worthington, Stayton L.  
Coghlan Crowson, LLP  
1127 Judson Road, Suite 211  
Longview, TX 75606

=> Phone: (903) 758-5543 Fax: (903) 753-6989  
American Electric Express Power Co., Inc.; American Electric Power Co., Inc.\*; American Electric Power Service Corp.; American Electric Power WR; Southwestern Electric Power Co.\*

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

In re Katz technology Licensing Patent Litigation

MDL Docket No. 1816

**THE AIG AND CIGNA DEFENDANTS' OPPOSITION TO THE TARGET  
DEFENDANTS' MOTION TO TRANSFER AND CONSOLIDATION OF RELATED  
KATZ PATENT LITIGATION**

Brian E. Ferguson  
McDermott Will & Emery LLP  
600 13th Street, N.W.  
Washington, D.C. 20005  
Telephone: 202.756.8000  
Facsimile: 202.756.8087  
bferguson@mwe.com

*Counsel for Defendants CIGNA Corporation,  
CIGNA Health Corporation, CIGNA HealthCare of  
Delaware, Inc., Tel-Drug, Inc., and Tel-Drug of  
Pennsylvania, L.L.C., American International  
Group, Inc., AIG Retirement Services, Inc., 21st  
Century Insurance Group, 21st Century Insurance  
Company, 21st Century Casualty Company, AIG  
Marketing, Inc., AIG SunAmerica Asset  
Management Corp., AIG Annuity Insurance  
Company, AIG Federal Savings Bank, The United  
States Life Insurance Company in the City of New  
York, AIG Life Insurance Company, American  
General Assurance Company, American General  
Indemnity Company, American General Life and  
Accident Insurance Company, American General  
Life Insurance Company, The Variable Annuity Life  
Insurance Company, VALIC Financial Advisors  
Inc. and VALIC Retirement Services Company*

Defendants CIGNA Corporation, CIGNA Health Corporation, CIGNA HealthCare of Delaware, Inc., Tel-Drug, Inc., and Tel-Drug of Pennsylvania, L.L.C. (collectively "the CIGNA Defendants") and Defendants American International Group, Inc., AIG Retirement Services, Inc., 21st Century Insurance Group, 21st Century Insurance Company, 21st Century Casualty Company, AIG Marketing, Inc., AIG SunAmerica Asset Management Corp., AIG Annuity Insurance Company, AIG Federal Savings Bank, The United States Life Insurance Company in the City of New York, AIG Life Insurance Company, American General Assurance Company, American General Indemnity Company, American General Life and Accident Insurance Company, American General Life Insurance Company, The Variable Annuity Life Insurance Company, VALIC Financial Advisors, Inc. and VALIC Retirement Services Company (collectively "the AIG Defendants")<sup>1</sup> respectfully submit this opposition to Defendants Target Corporation, Target Bank and Target National Bank's (collectively "Target") Motion for Transfer and Consolidation of Related Katz Patent Litigation ("Motion to Consolidate"). Target seeks: (1) to transfer, to a single district court, all twenty-five (25) existing actions filed by Ronald A. Katz Technology Licensing, L.P. ("Katz") and any similar actions filed by Katz in the future; and (2) consolidation of the actions for pre-trial proceedings. Target specifically requests the actions be adjudicated before Judge R. Gary Klausner in the Central District of California, reasoning the C.D. Cal. is the most efficient location for discovery and Judge Klausner has the most experience with the Katz patent portfolio.

As set forth herein, there are multiple reasons why the Motion to Consolidate should be denied. First, the actions do not have common questions of fact, as the 168 named defendants

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<sup>1</sup> The CIGNA and AIG defendants are named defendants in C.A. No. 06-547-GMS in the United States District Court of the District of Delaware, Judge Sleet presiding.

are spread across a wide variety of industries and there will be little overlap in the non-infringement defenses asserted by each defendant (or group of defendants). Second, contrary to Target's assertion, the actions are at different stages. The Citibank case, in particular, has progressed for many months and substantial discovery and pre-trial motion practice has already occurred. Third, the district courts have already taken steps to handle the large number of cases in an efficient manner, and have chosen to sever some of the cases into multiple actions, rather than combine them. This action by the district courts, done to promote just and efficient conduct of the actions, should be given deference. Finally, transfer would not serve the convenience of the parties or witnesses. Indeed, it appears the many of the cases have already been logically grouped by defendant in a manner that will presumably minimize any inconveniences for the parties. In contrast, consolidating these actions in California will result in significant inconvenience for many of the defendants, including the CIGNA and AIG Defendants who are based on the east coast.

The CIGNA and AIG Defendants therefore respectfully request the Panel deny Target's Motion to Consolidate.

## **I. LEGAL STANDARDS**

Consolidation under 28 U.S.C. § 1407 is only appropriate if all three of the following factors are met: (1) the actions involve one or more common questions of fact; (2) the transfer would serve the convenience of the parties and witnesses; and (3) the transfer would further the just and efficient conduct of the actions. *Id.*; see also *In re Qwest Communications Int'l, Inc. Securities & "ERISA" Litigation*, 395 F.Supp.2d 1360, 1361 (J.P.M.L. 2006). Target fails to establish all three of these factors exist with respect to the pending Katz actions.

## II. ARGUMENT

### A. The Actions Do Not Present Common Questions Of Fact

The 25 pending actions involve a total of 27 Katz patents. While these patents may have many issues in common (some of these common issues are already being addressed by pending reexaminations in the United States Patent and Trademark Office), that fact alone does not result in a conclusion that the actions present "common questions of fact." Each defendant (or groups of defendants) offer very different technologies and services.<sup>2</sup> Consolidation of all twenty-five actions, involving many different types of accused technologies would thus unnecessarily complicate the actions.

Indeed, it appears that in some instances Katz recognized the differences in technology and attempted to file lawsuits against defendants based on related technology. For example, Case No. 2:06-CV-334 before Judge Folsom in the Eastern District of Texas, Marshall Division names as defendants companies offering transportation and hotel services. Case No. 1:06-CV-543 before Judge Sleet in the District of Delaware names as defendants companies offering energy-related services. Thus, the cases are largely already logically arranged for efficient discovery and pre-trial proceedings. Consolidation would hinder, rather than further, such attempts at efficiency.

The case cited by Target, *In re Acacia Media Techs. Corp. Patent Litig.*, 360 F.Supp.2d 1377, 1379 (J.P.M.L. 2005), does not compel a different result. There, the Acacia patents at

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<sup>2</sup> For example, some of the CIGNA Defendants are accused of infringement as a result of their offering a prescription drug refill order service via telephone. Clearly, this service is completely unrelated to the services offered by, e.g., The DirectTV Group, a defendant in case no. 9:06-CV-192 pending before Judge Clark in the United States District Court for the Eastern District of Texas, Lufkin Division.



issue all involved the transfer of compressed data for audio/video reception, and the accused technology of all defendants was the streaming of audio/video via the Internet, cable, or wireless transmission. Here, the 168 defendants represent a widely disparate cross-section of industries with little in common other than their all being named as a defendant by Katz. As such, the defendants will likely have different arguments concerning non-infringement and other personal defenses (laches, estoppel, license) unique to each defendants (or small sub-sets of defendants). Maintaining a single action with substantial non-overlapping issues will increase discovery costs for the parties and require a significant investment of the court's time and resources. Due to the different technologies, claims and defenses, judicial economy would be impeded rather than enhanced by consolidation. *See, e.g., Aerotel, LTD. v. Verizon Commc'ns Inc.*, 234 F.R.D. 64, 66 (S.D.N.Y. 2005).

**B. The Actions Are At Different Stages And The Courts Have Already Taken Steps To Promote The Just And Efficient Conduct Of The Actions, Making Consolidation Inappropriate**

Not only do the claims, counterclaims, defenses and technologies differ, the twenty-five (25) actions are in different stages. Two actions in the Texarkana division have been pending since July 2005. The remaining actions in the Eastern District of Texas were filed in August 2006. The five actions in the District of Delaware were filed in September 2006.

Consolidation with the Texarkana actions would severely prejudice AIG and CIGNA. The district court has already spent significant time adjudicating these actions. Neither AIG or CIGNA were named as defendants in the Texarkana actions, and were unable to weigh in on pre-trial proceedings and decisions made by the district court, including submitting opinions on claim construction. In fact, the court has made significant progress in the past year by holding a



claim construction hearing on September 20, 2006. A consolidation at this stage may unfairly subject AIG and CIGNA to the court's construction to which their interpretation of the claims were not considered. In addition, summary judgment motions are due February 2007, with trial set to commence after May 2007. Requiring AIG and CIGNA to adhere to these deadlines is unrealistic and would seriously impede the ability to develop and execute defenses.

Consolidation is not appropriate when it would not necessarily serve the convenience of the parties and fail to promote efficiency by causing a significant delay. *In re Cable Tie Patent Litigation* 487 F. Supp. 1351 (J.P.M.L. 1980). The *Ronald A. Katz Tech. Licensing, L.P. v. Citibank, N.A.*, et al., No. 5:05-CV-142 (E.D. Tex.) case would be unreasonably delayed if the actions were consolidated as requested by Target. *Citibank* has been active for over a year and transferring and consolidating the case would bring its progression to a screeching halt, thereby prejudicing the parties to that case who undoubtedly desire resolution as soon as possible. *In re Allen Compound Bow Patent Litigation*, 446 F. Supp. 248, 249 (J.P.M.L. 1978). The court's decision in *Citibank* relating to claim construction also will undoubtedly assist the parties and courts in the other actions with respect to streamlining their own claim construction proceedings. Consolidation at this stage would destroy this potential benefit.

In addition, the Eastern District of Texas recently entered an order severing claims, defenses and counterclaims of six patents from *Citibank* into a new case, *Ronald A. Katz Tech. Licensing, L.P. v. Discover Fin. Servs., Inc., et al.*, No. 5:05-CV-182 (E.D. Tex.). The court's decision to sever, rather than continue with the case as originally filed, would be effectively overturned by a consolidation. The court's decision to sever should be given deference and should not be upset by a consolidation.

Likewise, the decision by the Eastern District of Texas, Lufkin Division, to split two actions into fifteen separate actions should also be respected. After evaluating the actions, the court, *sua sponte*, choose to split the actions. A consolidation would also be directly at odds with that court's decision. As the cases appear to be logically grouped for maximum efficiency already, the Panel should take into consideration the district courts' inclination toward separating, rather than combining, these actions.

Further, the five cases in Delaware are all pending before the same Court (Judge Sleet) and were filed at essentially the same time. Judge Sleet will undoubtedly insist on some form of cooperative discovery efforts and will act to ensure that the five cases proceed as efficiently as possible.

In sum, while there are 25 pending actions, they are being handled by only three different judges and appear to be grouped for maximum efficiency already. With only two districts and three judges involved, pre-trial proceedings can be coordinated to minimize the possibility of duplicative discovery and /or inconsistent rulings. *See In re Commonwealth Scientific and Indus. Research Organisation Patent Lit.*, 395 F. Supp. 2d 1357, 1358 (J.P.M.L. 2005). In contrast, referring all of the Katz patent litigations to a single court will be excessively arduous for a single judge. A combined action would monopolize the court's time and resources. It is an unreasonable task for one court to be the arbitrator of twenty-five actions, twenty-seven patents, and 168 defendants. Given the manner in which the cases have been filed and assigned, there is no need for consolidation under these facts.

### C. Transfer Will Not Serve The Convenience Of The Parties And Witnesses

In the same regard, Katz's choice of forum is entitled to deference. *Piper Aircraft v. Reyno*, 454 U.S. 235, 255-56 (1981). The legal standard governing motions to transfer is set forth at 28 U.S.C. § 1404(a), which provides that "for the convenience of the parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought." A party seeking transfer must meet two requirements. First, the Court must determine that the transfer of the action is "for the convenience of the parties and witnesses" and "in the interest of justice." Second, the proposed transferee district must be one in which the action "might have been brought." The determination of whether transfer is appropriate must be made "according to an 'individualized, case-by-case consideration of convenience and fairness.'" *Stewart Org., Inc. v. Ricoh Corp.*, 487 U.S. 22, 29 (1988) (quoting *Van Dusen v. Barrack*, 376 U.S. 612, 622 (1964)). Target did not meet these requirements by its broad claims of convenience and efficiency.

Transfer to the C.D. Cal. is detrimental to the CIGNA and AIG Defendants. The inconvenience, additional cost and availability of witnesses weigh against transferring the action. The CIGNA and AIG Defendants are largely based in, and conduct their business from, the East Coast.<sup>3</sup> Although the litigation is in its early stages and not all witnesses have been identified yet, many of the Defendants anticipate most of its witnesses to come from the East Coast, and thus Delaware will be more convenient for them as well.

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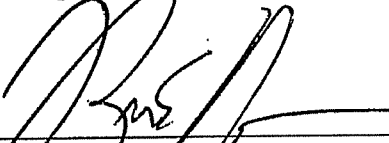
<sup>3</sup> CIGNA Corporation is based in Philadelphia. American International Group, Inc. is based in New York City. Both the CIGNA and AIG Defendants have selected as counsel McDermott Will & Emery LLP, located in Washington, D.C. The Delaware court is thus conveniently located for both sets of Defendants and their counsel. In contrast, Target's selected forum – the Central District of California – will require the CIGNA and AIG Defendants and counsel to engage in significant burdensome and expensive travel.

### III. CONCLUSION

For the foregoing reasons, the CIGNA and AIG Defendants respectfully request this Panel Deny Target's Motion for Transfer and Consolidation of Related Katz Patent Litigation.

Dated: November 6, 2006

Respectfully submitted,



Brian E. Ferguson  
McDermott Will & Emery LLP  
600 13th Street, N.W.  
Washington, D.C. 20005  
Telephone: 202.756.8000  
Facsimile: 202.756.8087  
bferguson@mwe.com


*Counsel for Defendants CIGNA Corporation, CIGNA Health Corporation, CIGNA HealthCare of Delaware, Inc., Tel-Drug, Inc., and Tel-Drug of Pennsylvania, L.L.C., American International Group, Inc., AIG Retirement Services, Inc., 21st Century Insurance Group, 21st Century Insurance Company, 21st Century Casualty Company, AIG Marketing, Inc., AIG SunAmerica Asset Management Corp., AIG Annuity Insurance Company, AIG Federal Savings Bank, The United States Life Insurance Company in the City of New York, AIG Life Insurance Company, American General Assurance Company, American General Indemnity Company, American General Life and Accident Insurance Company, American General Life Insurance Company, The Variable Annuity Life Insurance Company, VALIC Financial Advisors, Inc. and VALIC Retirement Services Company*

WDC99 1306607-3.015187.0020

**CERTIFICATE OF SERVICE**

I hereby certify that on November 6, 2006 a copy of the following: THE AIG AND CIGNA DEFENDANTS' OPPOSITION TO THE TARGET DEFENDANTS' MOTION TO TRANSFER AND CONSOLIDATION OF RELATED KATZ PATENT LITIGATION was served by U.S. mail, postage prepaid, upon the following parties and counsel: **SEE ATTACHED SERVICE LIST.**

Dated: November 6, 2006



Brian E. Ferguson  
McDERMOTT WILL & EMERY LLP  
600 13th Street, N.W.  
Washington, D.C. 20005  
Telephone: 202-756-8000  
Facsimile: 202-756-8087  
bferguson@mwe.com

*Counsel for Defendants CIGNA Corporation, CIGNA Health Corporation, CIGNA HealthCare of Delaware, Inc., Tel-Drug, Inc., and Tel-Drug of Pennsylvania, L.L.C., American International Group, Inc., AIG Retirement Services, Inc., 21st Century Insurance Group, 21st Century Insurance Company, 21st Century Casualty Company, AIG Marketing, Inc., AIG SunAmerica Asset Management Corp., AIG Annuity Insurance Company, AIG Federal Savings Bank, The United States Life Insurance Company in the City of New York, AIG Life Insurance Company, American General Assurance Company, American General Indemnity Company, American General Life and Accident Insurance Company, American General Life Insurance Company, The Variable Annuity Life Insurance Company, VALIC Financial Advisors Inc. and VALIC Retirement Services Company*

**Judicial Panel on Multidistrict Litigation - Panel Attorney Service List**

Page 1

Docket: 1816 - In re Katz Interactive Call Processing Patent Litigation

Status: Pending on / /

Transferee District: Judge:

Printed on 10/27/2006

**ATTORNEY - FIRM****REPRESENTED PARTY(S)**

Abn Amro Mortgage Group,  
777 East Eisenhower Parkway  
Suite 700  
Ann Arbor, MI 48108

=>  
ABN AMRO Mortgage Group, Inc.

Alltel Communication Wire,  
One Allied Drive  
Little Rock, AR 72202

=>  
Alltel Communications Wireless, Inc.

Alltel Communications,  
One Allied Drive  
Little Rock, AR 72202

=>  
Alltel Communications of Texarkana, Inc.

Alltel, Corp.,  
One Allied Drive  
Little Rock, AR 72202

=>  
ALLTEL Corp.

Arroyo, Blas P.  
Alston & Bird, LLP  
Bank of America Plaza  
101 South Tryon Street  
Suite 4000  
Charlotte, NC 28280-4000

=> Phone: (704) 444-1012 Fax: (704) 444-1111  
Time Warner Cable, Inc.\*; Time Warner Entertainment Co., L.P.\*; Time Warner NY Cable, LLC\*

Barner, Sharon R.  
Foley & Lardner, LLP  
321 North Clark Street  
Suite 2800  
Chicago, IL 60610-4714

=> Phone: (312) 832-4500 Fax: (312) 832-4700  
U.S. Bancorp.\*#; U.S. Bank, N.A.\*

Barquist, Charles S.  
Morrison & Foerster, LLP  
555 W. Fifth Street  
Suite 3500  
Los Angeles, CA 90013

=> Phone: (213) 892-5200 Fax: (213) 892-5454  
Express Scripts, Inc.\*

Beane, Jerry L.  
Andrews & Kurth  
BankOne Center  
1717 Main Street  
Suite 3700  
Dallas, TX 75201

=> Phone: (214) 659-4400 Fax: (214) 659-4401  
Aetna RX Home Delivery, LLC\*

Boice, William H.  
Kilpatrick & Stockton  
1100 Peachtree Street  
Suite 2800  
Atlanta, GA 30309

=> Phone: (404) 815-6464  
Cox Communications, Inc.\*#; Coxcom, Inc.\*#; Earthlink, Inc.\*#

Note: Please refer to the report title page for complete report scope and key.

**ATTORNEY - FIRM****REPRESENTED PARTY(S)**

Cablevision Systems Corp.,  
1111 Stewart Avenue  
Bethpage, NY 11714

=>  
Cablevision Systems Corp.

Capshaw, III, S. Calvin  
Brown, McCarroll, LLP  
P.O. Box 3999  
Longview, TX 75606-3999

=> Phone: (903) 236-9800 Fax: (903) 236-8787  
Anthem Prescription Management, LLC\*; Precision RX, Inc.\*; Professional Claim Services, Inc. dba  
Wellpoint Pharmacy Management, Inc.\*; Wellpoint, Inc.\*

Cerdian Corporation,  
3311 East Old Shakopee Road  
Minneapolis, MN 55425

=>  
Cerdian Corp.

Comdata Corporation,  
5301 Maryland Way  
Brentwood, TN 37027

=>  
Comdata Corp.

Cox, Juliet A.  
Sonnenschein, Nath & Rosenthal, LLP  
4520 Main Street  
Suite 1100  
Kansas City, MO 64111

=> Phone: (816) 460-2400 Fax: (816) 531-7545  
Aquila, Inc.\*

Cullum, Janet L.  
Cooley, Godward, Kronish, LLP  
Five Palo Alto Square  
3000 El Camino Real  
Palo Alto, CA 94306-2155

=> Phone: (650) 843-5000 Fax: (650) 857-0663  
Ronald A. Katz Technology Licensing, LP\*

Devito, Daniel A.  
Skadden, Arps, Slate, Meagher & Flom, LLP  
4 Times Square  
New York, NY 10036

=> Phone: (212) 735-3000 Fax: (212) 735-2000  
Comerica Bank & Trust, NA\*; Comerica Securites, Inc.\*; Comerica, Inc.\*

Elsevier, MD, J. Patrick  
Alston & Bird, LLP  
1201 West Peachtree Street  
One Atlantic Center  
Atlanta, GA 30309-3424

=> Phone: (404) 881-7000 Fax: (404) 881-7777  
T-Mobile USA, Inc.\*

Ferguson, Brian E.  
McDermott, Will & Emery, LLP  
600 13th Street, N.W.  
Washington, DC 20005

=> Phone: (202) 756-8371 Fax: (202) 756-8087  
21st Century Casualty Co.\*; 21st Century Insurance Co.\*; 21st Century Insurance Group\*; AIG Annuity Insurance Co.\*; AIG Federal Savings Bank\*; AIG Life Insurance Co.\*; AIG Marketing, Inc.\*; AIG Retirement Services, Inc.\*; AIG SunAmerica Asset Management Corp.\*; American General Assurance Co.\*; American General Indemnity Co.\*; American General Life & Accident Insurance Co.\*; American General Life Insurance Co.\*; American International Group, Inc.\*; Cigna Corp.\*; Cigna Health Corp.\*; Cigna Healthcare of Delaware, Inc.\*; Tel-Drug of Pennsylvania, LLC\*; Tel-Drug, Inc.\*; United States Life Insurance Co. in the City of New York\*; VALIC Financial Advisors, Inc.\*; VALIC Retirement Services Co.\*; Variable Annuity Life Insurance Co.\*

**ATTORNEY - FIRM****REPRESENTED PARTY(S)**

Friedland, David K.  
Lotts & Friedland, PA  
355 Alhambra Circle  
Suite 1100  
Coral Gables, FL 33134

=> Phone: (305) 448-7089 Fax: (305) 446-6191  
Petmed Express, Inc. dba 1-800-Petmeds\*

Frost National Bank, N.A.,  
100 West Houston Street  
San Antonio, TX 78205

=>  
Frost National Bank, NA

GMAC Mortgage Corp.,  
100 Witmer Road  
Horsham, PA 19044

=>  
GMAC Mortgage Corp.

General Electric Capital,  
280 Long Ridge Road  
Stamford, CT 06927

=>  
General Electric Capital Corp.

Giant Food, Inc.,  
6400 Sheriff Road  
Landover, MD 20785

=>  
Giant Food, Inc.

Harrel, Alan David  
Atchley, Russell, Waldrop & Hlavinka  
1710 Moores Lane  
P.O. Box 5517  
Texarkana, TX 75505-5517

=> Phone: (903) 792-8246 Fax: (903) 792-5801  
Wal-Mart Stores, Inc.

Hawkins, III, Holmes J.  
King & Spalding  
1180 Peachtree Street  
Atlanta, GA 30309-3521

=> Phone: (404) 572-4600 Fax: (404) 572-5134  
Healthy Options, Inc. dba Postal Prescription Services\*; Kroger Co. (The)\*; Kroger Texas, LP\*

Horwitz, Richard L.  
Potter Anderson & Corroon, LLP  
Hercules Plaza, 6th Floor  
1313 North Market Street  
P.O. Box 951  
Wilmington, DE 19899-0951

=> Phone: (302) 984-6000  
DHL Express (USA), Inc.; DHL Holdings (USA), Inc.; Sky Courier, Inc.

James, Angela Payne  
Alston & Bird, LLP  
1201 West Peachtree Street  
One Atlantic Center  
Atlanta, GA 30309-3424

=> Phone: (404) 881-7000  
Charter Communications Entertainment I, LLC\*; Charter Communications Holding Co., LLC\*; Charter Communications Operating, LLC\*; Charter Communications, Inc.\*

Krevitt, Josh A.  
Gibson, Dunn & Crutcher LLP  
200 Park Avenue  
New York, NY 10166

=> Phone: (212) 351-4000  
Cablevision of Brookhaven, Inc.\*; Cablevision of Connecticut Corp.\*; Cablevision of Hudson County, Inc.\*; Cablevision of Litchfield, Inc.\*; Cablevision of Monmouth, Inc.\*; Cablevision of New Jersey, Inc.\*; Cablevision of Oakland, LLC\*; Cablevision of Rockland/Ramapo, LLC\*; Cablevision System



**ATTORNEY - FIRM****REPRESENTED PARTY(S)**

	<b>New York City Corp.*; CSC Holdings, Inc.*</b>
LaSalle Bank Corporation, 135 LaSalle Street Chicago, IL 60603	=> LaSalle Bank Corp.; LaSalle Bank National Association
Lasalle Financial Service, 135 LaSalle Street Chicago, IL 60603	=> LaSalle Financial Services, Inc.
Lee, Robert L. Alston & Bird, LLP 1201 West Peachtree Street One Atlantic Center Atlanta, GA 30309-3424	=> Phone: (404) 881-7000 Fax: (404) 881-7777 Ahold USA, Inc.*; Giant Food Stores, LLC*; Giant Food, LLC*; Stop & Shop Supermarket Co., LLC*
Lukin, Mitchell D. Baker Botts, L.L.P. One Shell Plaza 910 Louisiana Houston, TX 77002-4995	=> Phone: (713) 229-1733 Fax: (713) 229-7733 Reliant Energy Retail Services, LLC*; Reliant Energy, Inc.*
Maxwell, David M. Alston & Bird, LLP 1201 West Peachtree Street One Atlantic Center Atlanta, GA 30309-3424	=> Phone: (404) 881-7000 Fax: (404) 881-7777 AOL, LLC*; CompuServe Interactive Services, Inc.*; Netscape Communications Corp.*
McDermott, Richard M. Alston & Bird, LLP Bank of America Plaza 101 South Tryon Street Suite 4000 Charlotte, NC 28280-4000	=> Phone: (704) 444-1000 Fax: (704) 444-1111 Cinergy Corp.*; Duke Energy Corp.*
McElhinny, Harold J. Morrison & Foerster, LLP 425 Market Street San Francisco, CA 94105-2482	=> Phone: (415) 268-7000 Fax: (415) 268-7522 Target Bank*; Target Corp.*; Target National Bank*
McGrath, Robin L. Alston & Bird, LLP 1201 West Peachtree Street One Atlantic Center Atlanta, GA 30309-3424	=> Phone: (404) 881-7000 Fax: (404) 881-7777 Safeco Corp.*; Safeco Insurance Co. of America*
McKool, Jr., Mike McKool & Smith, P.C. 300 Crescent Court Suite 1500 Dallas, TX 75201	=> Phone: (214) 978-4000 American Airlines, Inc.*; American Beacon Advisors, Inc.*

**ATTORNEY - FIRM****REPRESENTED PARTY(S)**

Miller, Camille M.  
Cozen O'Connor  
1900 Market Street  
Philadelphia, PA 19103

=> Phone: (215) 665-7273 Fax: (215) 701-2273  
Wilmington Brokerage Services Co.\*; Wilmington Trust Co.\*

Moore, Matthew J.  
Howrey LLP  
1299 Pennsylvania Avenue, N.W.  
Washington, DC 20004-2402

=> Phone: (202) 783-0800 Fax: (202) 383-6610  
Cullen/Frost Bankers, Inc.\*; Ford Motor Co.\*; Ford Motor Credit Co.\*; General Electric Capital Services, Inc.\*; General Electric Consumer Finance, Inc.\*; General Motors Acceptance Corp.\*; General Motors Corp.\*; GMAC Residential Capital Corp.\*; Hilton H Honors Worldwide, L.L.C.\*; Hilton Hotels Corp.\*; Hilton Reservations Worldwide, L.L.C.\*; Marriott International, Inc.\*; Marriott Worldwide Reservation Services, L.L.C.\*; PNC Financial Services Group, Inc.\*; Randall's Food & Drug, L.P.\*; Randall's Food Market, Inc.\*; Safeway, Inc.\*; Whirlpool Corp.\*

Moyer, Jeffrey L.  
Richards, Layton & Finger  
P.O. Box 551  
Wilmington, DE 19899

=> Phone: (302) 651-7525 Fax: (302) 651-7701  
Qwest Broadband Services, Inc.\*; Qwest Communications Corp.\*; Qwest Communications International, Inc.\*; Qwest Interprise America, Inc.\*; Qwest LD Corp.\*; Qwest Wireless, LLC\*

Najim, Samuel J.  
Jones Day  
1420 Peachtree Street  
Suite 800  
Atlanta, GA 30309-3053

=> Phone: (404) 521-3939 Fax: (404) 581-8330  
Centerpoint Energy Houston Electric, LLC\*; Centerpoint Energy Resources Corp\*; Centerpoint Energy, Inc.\*; Chevron Corp.\*; Chevron Credit Bank, N.A.\*; Chevron Products Co.\*; Experian Information Solutions, Inc.\*; National City Bank\*; National City Bank of Indiana\*; National City Corp.\*; Regions Bank, NA\*; Regions Financial Corp.\*

National Railroad Passeng,  
60 Massachusetts Avenue, N.E.  
Washington, DC 20002

=>  
National Railroad Passenger Corp. dba Amtrak

Norrod, Gregory S.  
Foley & Lardner, LLP  
321 North Clark Street  
Suite 2800  
Chicago, IL 60610-4714

=> Phone: (312) 832-4500 Fax: (312) 832-4700  
Sam's East, Inc.\*; Sam's West, Inc.\*; Wal-Mart Store, Inc.\*; Wal-Mart Stores East, LP\*; Wal-Mart Stores Texas, LP\*; Wal-Mart.com, Inc.\*

PNC Bank, NA,  
One PNC Plaza  
249 Fifth Avenue  
Pittsburg, PA 15222

=>  
PNC Bank, N.A.

Petersen, Steven P.  
Leydig, Voit & Mayer, Ltd.  
Two Prudential Plaza  
Suite 4900  
Chicago, IL 60601

=> Phone: (312) 616-5600 Fax: (312) 616-5700  
Aetna, Inc.\*; TDS Metrocom, LLC\*; TDS Telecommunications Corp.\*; United States Cellular Corp.\*

Roodman, David A.  
Bryan Cave, LLP  
One Metropolitan Square  
211 N. Broadway  
Suite 3600  
St. Louis, MO 63102-2750

=> Phone: (314) 259-2000 Fax: (314) 259-2020  
Dillard Investment Co., Inc.\*; Dillard's, Inc.\*

**ATTORNEY - FIRM****REPRESENTED PARTY(S)**

Rooklidge, William C.  
Howrey LLP  
2020 Main Street  
Suite 1000  
Irvine, CA 92614-8200

=> Phone: (949) 721-6900  
Discover Bank\*; Discover Financial Services, Inc.\*

Seary, III, Marshall M.  
Quinn Emanuel Urquhart Oliver & Hedges  
865 South Figueroa Street  
10th Floor  
Los Angeles, CA 90017

=> Phone: (213) 443-3000 Fax: (213) 443-3100  
DirecTV Enterprise, LLC\*#; DirecTV Group, Inc.\*#; DirecTV Holdings, LLC\*#; DirecTV, Inc.\*#

Selsberg, Steven R.  
Mayer, Brown, Rowe & Maw, LLP  
700 Louisiana  
Suite 3400  
Houston, TX 77002

=> Phone: (713) 238-2664 Fax: (713) 238-4888  
Tracfone Wireless, Inc.\*#

Spivey, Jonathan R.  
Foley & Lardner, LLP  
321 North Clark Street  
Suite 2800  
Chicago, IL 60610-4714

=> Phone: (312) 832-4500 Fax: (312) 832-4700  
Caremark Inc. dba Caremark Prescription Services\*; Caremark RX Inc.\*

Standley, Jeffrey S.  
Standley Law Group, LLP  
495 Metro Place South  
Suite 210  
Dubin, OH 43017-5319

=> Phone: (614) 792-5555 Fax: (614) 792-5536  
Delmarva Power & Light Co.\*; Humana, Inc.\*#; Pepco Holdings, Inc.\*; PHI-Service Co.\*

Stroup, Richard L.  
Finnegan, Henderson, Farabow, Garrett, et al.  
901 New York Avenue, N.W.  
Washington, DC 20001-4413

=> Phone: (202) 408-4000 Fax: (202) 408-4400  
Federal Express Corp.\*; FedEx Corp.\*; FedEx Corporate Services, Inc.\*; FedEx Customer Information Services, Inc.\*

Wade, William J.  
Richards, Layton & Finger  
One Rodney Square  
P.O. Box 551  
Wilmington, DE 19899

=> Phone: (302) 658-6541  
TD Banknorth, Inc.

Worthington, Stayton L.  
Coghlan Crowson, LLP  
1127 Judson Road, Suite 211  
Longview, TX 75606

=> Phone: (903) 758-5543 Fax: (903) 753-6989  
American Electric Express Power Co., Inc.; American Electric Power Co., Inc.\*; American Electric Power Service Corp.; American Electric Power WR; Southwestern Electric Power Co.\*